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7-3-1997

# County Regulation Of Timber Harvesting Plans And Operations.

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Political Reform  
Uniform Commercial Code



**BILL JONES**  
*Secretary of State*  
*State of California*

**ELECTIONS DIVISION**  
(916) 657-2166  
1500 - 11<sup>th</sup> STREET  
SACRAMENTO, CA 95814  
Voter Registration Hotline  
1-800-345-VOTE  
For Hearing and Speech Impaired  
Only  
1-800-833-8683  
e-mail: [comments@ss.ca.gov](mailto:comments@ss.ca.gov)

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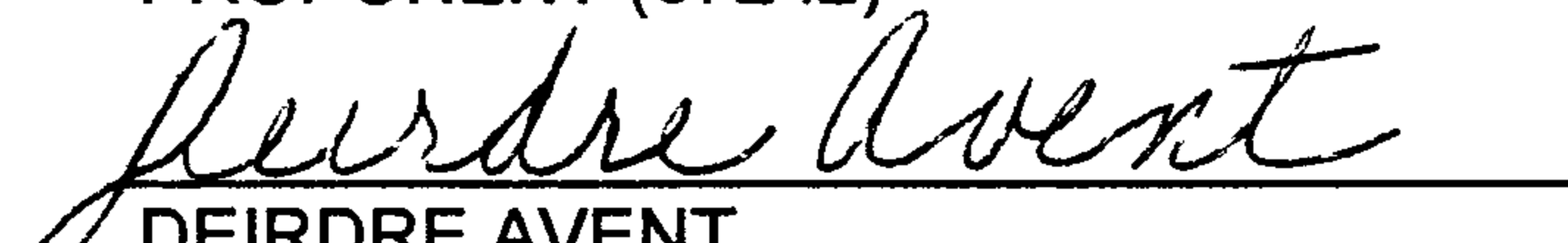
DEC 7 1997

December 12, 1997

**#744**

TO: ALL COUNTY CLERKS/REGISTRARS OF VOTERS AND  
PROPONENT (97242)

FROM:

  
DEIRDRE AVENT  
Elections Analyst

Pursuant to Elections Code section 9030(b), you are hereby notified that the total number of signatures to the hereinafter named proposed INITIATIVE STATUTE filed with all county elections officials is less than 100 percent of the number of qualified voters required to find the petition sufficient; therefore, the petition has failed.

TITLE: COUNTY REGULATION OF TIMBER HARVESTING PLANS AND  
OPERATIONS.

SUMMARY DATE: July 3, 1997

PROPONENT: Elise Moss  
Lisa Christopher

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**BILL JONES**  
*Secretary of State*  
*State of California*

July 3, 1997

**ELECTIONS DIVISION**  
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Only  
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e-mail: comments@ss.ca.gov

TO: ALL REGISTRARS OF VOTERS, OR COUNTY CLERKS, AND PROPONENTS (97086)

FROM:

  
WALDEEP SINGH  
ELECTIONS ANALYST

RECEIVED

JUL 1 1997

SUBJECT: INITIATIVE #744

Pursuant to Elections Code section 336, we transmit herewith a copy of the Title and Summary prepared by the Attorney General on a proposed initiative measure entitled:

**COUNTY REGULATION OF TIMBER HARVESTING  
PLANS AND OPERATIONS.  
INITIATIVE STATUTE.**

The proponents of the above-named measure are:

Elise Moss  
Lisa Christopher  
Neighbors for Responsible Logging  
21884 Bear Creek Road  
Los Gatos, CA 95030  
(408) 231- 9863



#744  
COUNTY REGULATION OF TIMBER HARVESTING  
PLANS AND OPERATIONS.  
INITIATIVE STATUTE.

**CIRCULATING AND FILING SCHEDULE**

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1. Minimum number of signatures required: ..... 433,269  
California Constitution, Article II, Section 8(b)
2. Official Summary Date:.....Thursday, 07/03/97  
Elections Code section (EC§) 336
3. Petitions Sections:
  - a. First day Proponent can circulate Sections for  
signatures (EC §336) .....Thursday, 07/03/97
  - b. Last day Proponent can circulate and file  
with the county. All sections are to be filed at the  
same time within each county (EC §336, 9030(a)) ..... Monday, 12/01/97\*
  - c. Last day for county to determine total number of  
signatures affixed to petitions and to transmit total  
to the Secretary of State (EC §9030(b)).....Thursday, 12/11/97  
  
(If the Proponent files the petition with the county on a date prior to 12/01/97,  
the county has eight working days from the filing of the petition to determine  
the total number of signatures affixed to the petition and to transmit the total to  
the Secretary of State) (EC §9030(b)).
  - d. Secretary of State determines whether the total number  
of signatures filed with all county clerks/registrars of  
voters meets the minimum number of required signatures,  
and notifies the counties (EC §9030(c)).....Saturday, 12/20/97\*\*
  - e. Last day for county to determine total number of qualified  
voters who signed the petition, and to transmit certificate  
with a blank copy of the petition to the Secretary of State  
(EC §9030(d)(e)).....Wednesday, 02/04/98

\* Date adjusted for official deadline which falls on Sunday (EC §15).

\*\* Date varies based on receipt of county certification.



## INITIATIVE #744

### Circulating and Filing Schedule continued:

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(If the Secretary of State notifies the county to determine the number of qualified voters who signed the petition on a date other than 12/20/97, the last day is no later than the thirtieth day after the county's receipt of notification). (EC §9030(d)(e)).

- f. If the signature count is more than 476,596 or less than 411,606 then the Secretary of State certifies the petition as qualified or failed, and notifies the counties. If the signature count is between 411,606 and 476,596 inclusive, then the Secretary of State notifies the counties using the random sampling technique to determine the validity of all signatures (EC §9030(f)(g); 9031(a)).....Saturday, 02/14/98\*\*
- g. Last day for county to determine actual number of all qualified voters who signed the petition, and to transmit certificate with a blank copy of the petition to the Secretary of State (EC §9031(b)(c)).....Monday, 03/30/98

(If the Secretary of State notifies the county to determine the number of qualified voters who have signed the petition on a date other than 02/14/98, the last day is no later than the thirtieth working day after the county's receipt of notification). EC §9031(b)(c).

- h. Secretary of State certifies whether the petition has been signed by the number of qualified voters required to declare the petition sufficient (EC §9031(d); 9033). .....Friday, 04/03/98\*\*

**NOTE TO PROPONENTS WHO WISH TO QUALIFY FOR THE JUNE 2, 1998 PRIMARY ELECTION:** This initiative must be certified for the ballot 131 days before the election (January 22, 1998). Please remember to time your submissions accordingly. For example, in order to allow the maximum time permitted by law for the random sample verification process, it is suggested that proponents file their petitions to county elections officials by November 13, 1997. If a 100% check of signatures is necessary, it is advised that the petitions be filed by September 18, 1997.

\*\* Date varies based on receipt of county certification.





## IMPORTANT POINTS

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- California law prohibits the use of signatures, names and addresses gathered on initiative petitions for any purpose other than to qualify the initiative measure for the ballot. This means that the petitions cannot be used to create or add to mailing lists or similar lists for any purpose, including fundraising or requests for support. Any such misuses constitutes a crime under California law. Elections Code section 18650; *Bilofsky v. Deukmejian* (1981) 123 Cal. App. 3d 825, 177 Cal. Rptr. 621; 63 Ops. Cal. Atty. Gen. 37 (1980).
- Please refer to Elections Code sections 100,101,104,9001, 9008, 9009, 9021, and 9022 for appropriate format and type consideration in printing, typing and otherwise preparing your initiative petition for circulation in printing, typing and otherwise preparing your initiative petition for circulation and signatures. Please send a copy of the petition after you have it printed. This copy is not for our review or approval, but to supplement our file.
- Your attention is directed to the campaign disclosure requirements of the **Political Reform Act of 1974**, Government Code section 81000 et seq. A brief summary is attached for your reference.
- When writing or calling state or county elections officials, provide the official title of the initiative which was prepared by the Attorney General. Use of this title will assist elections officials in referencing the proper file.
- When a petition is presented to the county elections official for filing by someone other than the proponent, the required authorization shall include the name or names of the persons filing the petition.
- When filing the petition with the county elections official, please provide a blank petition for elections official use.

Enclosures



DANIEL E. LUNGREN  
Attorney General

State of California  
DEPARTMENT OF JUSTICE



1300 I STREET, SUITE 125  
P.O. BOX 944255  
SACRAMENTO, CA 94244-2550  
(916) 445-9555  
Facsimile: (916) 323-2137  
(916) 324-5490

July 3, 1997

Bill Jones  
Secretary of State  
1500 - 11th Street  
Sacramento, CA 95814

Re: Initiative Title and Summary  
Subject: COUNTY REGULATION OF TIMBER HARVESTING PLANS AND  
OPERATIONS. INITIATIVE STATUTE.  
File No: SA 97 RF 0010

Dear Mr. Jones:

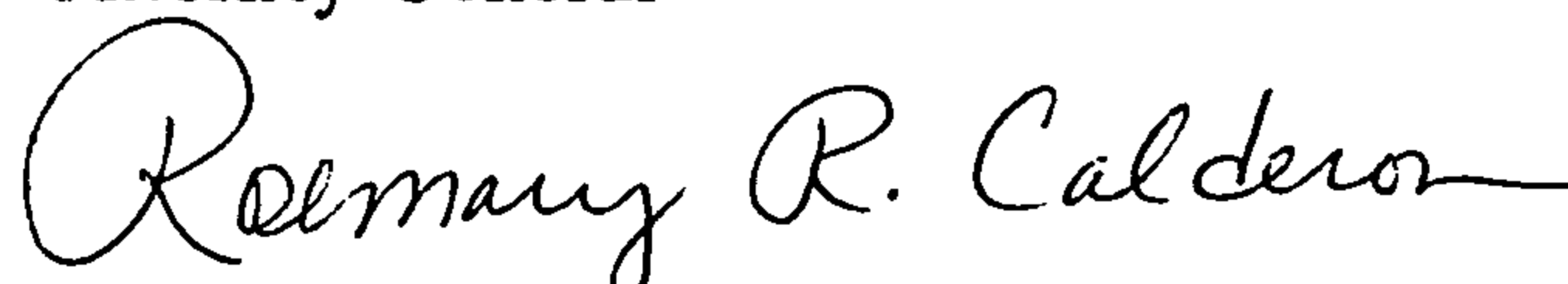
Pursuant to the provisions of sections 9004 and 336 of the Elections Code, you are hereby notified that on this day we mailed to the proponents of the above-identified proposed initiative our title and summary.

Enclosed is a copy of our transmittal letter to the proponents, a copy of our title and summary, a declaration of mailing thereof, and a copy of the proposed measure.

According to information available in our records, the names and addresses of the proponents are as stated on the declaration of mailing.

Sincerely,

DANIEL E. LUNGREN  
Attorney General

  
ROSEMARY R. CALDERON  
Initiative Coordinator

RRC/glm  
Enclosures



Date: July 3, 1997  
File No.: SA97RF0010

The Attorney General of California has prepared the following title and summary of the chief purpose and points of the proposed measure:

**COUNTY REGULATION OF TIMBER HARVESTING PLANS AND OPERATIONS.**

**INITIATIVE STATUTE.** Current law provides for approval of timber harvesting plans by the state Department of Forestry. This measure amends current law to provide for county approval of such plans. Current law permits counties to appeal approval of such plans by the Department of Forestry to the State Board of Forestry. This measure would reverse this procedure and permit the state to appeal the rejection of timber harvesting plans to the county. Modifies state procedures for adopting timber rules and regulations for individual counties, reviewing timber harvesting plans, and other matters. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local governments: State government would incur one-time costs, potentially in the hundreds of thousands of dollars, to review and approve timber harvesting rules and regulations developed by counties. The state would also experience ongoing costs, of an unknown amount, to implement and enforce new county rules and regulations. Counties would incur ongoing costs, of an unknown amount, to develop and approve timber harvesting rules and regulations and review timber harvest plans.



May 5, 1997

Elise Moss  
Lisa Christopher  
Neighbors for Responsible Logging  
21884 Bear Creek Road  
Los Gatos, CA 95030  
phone: (408) 231-9863  
email: elise\_moss@techie.com

RECEIVED  
MAY 12 1997


Dan Lungren  
Attorney General  
1300 I Street  
Sacramento, CA 95814

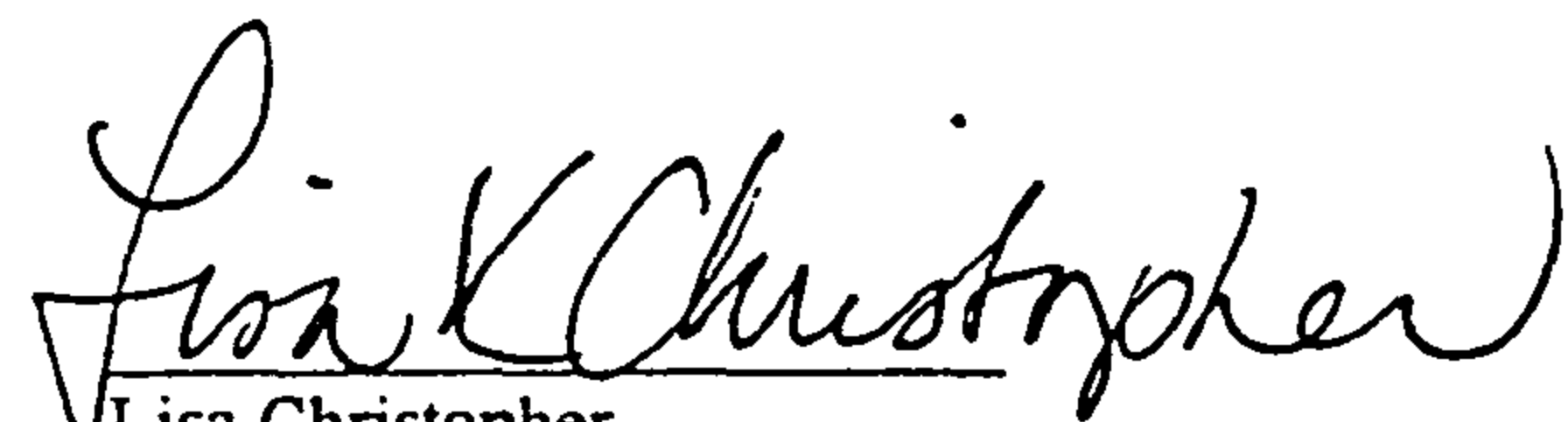
INITIATIVE COORDINATOR  
ATTORNEY GENERAL'S OFFICE

Dear Mr. Attorney General,

Attached please find our draft of a proposed measure, along with a cashier's check for \$200. Please consider this a written request for a title and summary of the proposed measure.

Signed:

  
Elise Moss  
21884 Bear Creek Road  
Los Gatos, CA 95030

  
Lisa Christopher  
21900 Bear Creek Way  
Los Gatos, CA 95030

Note: Please do not publish Lisa Christopher's address. Thank you.





This is a state initiative which proposes the following amendments to Chapter 4511 of the California Public Resources Code. This chapter is known as the Z'berg-Nejedly Forest Practice Act of 1973.

must approve

4516.5. (a) Individual counties ~~may recommend that the board adopt~~  
~~additional rules and regulations for~~ the content of timber harvesting  
 plans and the conduct of timber operations to take account of local  
 needs. For purposes of this section, "timber operations" includes,  
 but is not limited to, soil erosion control, protection of stream  
 character and water quality, water distribution systems, flood  
 control, stand density control, reforestation methods, mass soil  
 movements, location and grade of roads and skid trails, excavation  
 and fill requirements, slash and debris disposal, haul routes and  
 schedules, hours and dates of logging, and performance bond or other  
 reasonable surety requirements for onsite timber operations and for  
 protection of publicly and privately owned roads that are part of the  
 haul route. Where a bond or other surety has been required, the  
 director shall not issue a work completion report without first  
 ascertaining whether the county in which the timber operations were  
 conducted has knowledge of any claims intended to be made on the bond  
 or surety.

(b) The board shall, in conformance with Chapter 3.5 (commencing  
 with Section 11340) of Part 1 of Division 3 of Title 2 of the  
 Government Code and within 180 days after receiving ~~recommended~~ <sup>approved</sup> rules  
 and regulations from a county, adopt rules and regulations for the  
 content of timber harvesting plans and the conduct of timber  
 operations consistent with the ~~recommended~~ <sup>approved</sup> rules and regulations,  
 subject to Section 4551.5, if the board finds the ~~recommended~~ <sup>approved</sup> rules  
 and regulations are both of the following:

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(1) Consistent with the intent and purposes of this chapter.

(2) Necessary to protect needs and conditions of the county  
approving  
~~recommending~~ them.

(c) The rules and regulations, if adopted by the board, shall  
apply only to the conduct of timber operations within the  
approving  
~~recommending~~ county and shall be enforced and implemented by the  
department in the same manner as other rules and regulations adopted  
by the board.

(d) ~~Except as provided in subdivision (e);~~ individual counties  
may  
shall not otherwise regulate the conduct of timber operations, as  
defined by this chapter, or require the issuance of any permit or  
license for those operations.

hereby will  
(e) The board may delegate to individual counties its authority to  
require performance bonds or other surety for the protection of  
roads, in which case, the procedures and forms shall be the same as  
or county  
those used in similar circumstances in the county. The board may  
establish reasonable limits on the amount of performance bonds or  
other surety which may be required for any timber operation and  
criteria for the requirement, payment, and release of those bonds or  
other surety. If the county fails to inform the director of the  
90  
claims within 30 days after the completion report has been filed, the  
bond or surety shall be released.

(f) This section does not apply to timber operations on any land  
area of less than three acres and which is not zoned timberland  
production.



4516.6. (a) To provide for adequate public review and comment,

notwithstanding Section 4582.7, the director shall not approve a  
timber harvesting plan in any county<sup>^</sup> until the county has reviewed and approved the plan  
for which rules and regulations

have been adopted pursuant to Section 4516.5 or 4516.8 until 35 days  
county approval  
from the date of filing of the plan, and timber operations shall not  
board  
commence until five days from the date of ^approval of the plan. The

~~board may provide, by regulation, for those periods to be waived or~~

~~shortened by the department upon a determination, pursuant to~~

~~criteria and procedures established by the board, that the proposed~~

~~timber operations will cause no significant environmental damage or~~

~~threat to public health and safety or to the environment, or that the~~

~~timber operations are necessary to reduce such a threat. If the~~

chairperson of the Board of Supervisors of the county in which the

proposed timber operations are located notifies the director and the  
reject

plan submitter that the county intends to ~~appeal the approval of the~~

~~plan and that the county meets the requirements for filing an appeal,~~

no timber operations shall occur until the final determination of  
approves

~~the appeal. If the board of supervisors determines not to appeal the~~

~~approval of the plan. it shall immediately notify the director and~~

the plan submitter in writing of that determination, and timber

operations pursuant to the plan may commence immediately<sup>^</sup> following the board's approval pursuant to Section 4516.6



(b) (1) The board of supervisors of the county for which rules and regulations have been adopted pursuant to Section 1516.5 or 1516.8 may, not later than 10 days after <sup>rejection</sup> ~~approval~~ of the plan by the county <sup>rejection</sup> ~~approval~~ director, appeal that ~~approval~~ to the board, if the county has both participated in the initial inspection of the plan area with the director and participated in a multidisciplinary review of the plan.

(2) The ~~board~~ may establish procedures for filing the appeal and may specify findings which the board of supervisors is required to make in filing the appeal to demonstrate that a substantial issue is <sup>economic needs,</sup> ~~raised with respect to~~ public health and safety or the environment. <sup>county</sup> ~~the board if it~~

(c) The ~~board~~ shall grant to a county that meets the requirements <sup>board's</sup> for filing an appeal an initial hearing to consider the ~~county's~~ <sup>county</sup> request for an appeal at the next regularly scheduled ~~board~~ meeting following the receipt of the request. <sup>county</sup>

(d) The ~~board~~ shall grant a a public hearing on the appeal if it determines at an initial hearing pursuant to subdivision (c) that the <sup>the state's economic interest.</sup> appeal raises substantial issues with respect to ^public health and safety or the environment.



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county  
(e) (1) The ~~board~~ shall hold a public hearing on the appeal granted pursuant to subdivision (d) within 30 days from the date of granting the hearing or at the next regularly scheduled ~~board~~ <sup>county</sup> meeting, whichever occurs first, or within a longer period of time that is mutually agreed upon by the board, the county, and the plan submitter. Upon conclusion of the hearing, the ~~board~~ <sup>county</sup> shall approve or deny the plan. The basis of the ~~board's~~ <sup>county</sup> decision shall be <sup>in</sup> ^ conformance with this section and the rules and regulations of the board, including any rules or regulations enacted with respect to the county pursuant to Section 4516.5 or 4516.8, and this chapter. In denying a plan, the ~~board~~ <sup>county</sup> may make findings that set forth conditions under which it believes that the plan would have been approved.

<sup>county</sup>  
(2) The ~~board~~ may delegate conduct of the hearing and the decision to a committee of three members to be appointed for that hearing by the chairperson of the ~~board~~. The committee shall consist of at least two ~~general-public~~ <sup>County Board of Supervisors</sup> members of the <sup>County Board of Supervisors</sup> ~~board~~. The chairperson of the ~~board~~ or the chairperson's designee shall conduct the hearing.

The decision of the committee shall have the full force and effect of a decision of the full ~~board~~. <sup>County Board of Supervisors</sup>

(f) This section does not apply to timber operations on any land area of less than three acres and which is not zoned for timberland production.



4516.8. In addition to the authority provided in Section 4516.5,  
the Counties of Marin, Monterey, San Mateo, Santa Clara, and Santa  
must approve  
Cruz ~~may recommend that the board adopt additional rules and~~  
~~regulations for~~ the content of timber harvesting plans and the  
conduct of timber operations which provide a requirement that each  
timber harvesting plan contain a description of all log hauling  
routes, a statement of whether an encroachment permit is required by  
any public agency, and a requirement that no timber harvesting plan  
be approved by the director without the condition that the timber  
operator secure all required encroachment permits prior to  
commencement of timber operations.

\*\*\*\*\*

Note:

In the above sections,

board - indicates the board of directors of the California Department of Forestry

director - indicates the director of the California Department of Forestry

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